| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/614,736 | 06/30/2003 | Georges R. Harik | Google-47 (GP-108-00-US) | 6223 |

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|---|---|---|

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| EXAMINER |
|---|
| DODDS, HAROLD E |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2167 | |

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/614,736 | HARIK, GEORGES R. |
| | Examiner | Art Unit |
| | Harold E. Dodds, Jr. | 2167 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on *30 June 2003*.

2a) ☐ This action is **FINAL**.    2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1-49* is/are pending in the application.

    4a) Of the above claim(s) *17-22,24-27, and 44-49* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-16,23 and 28-43* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *30 June 2003* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All  b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## DETAILED ACTION

### *Election/Restrictions*

1.      Applicant's election with traverse of Group I, consisting of claims 1-16, 23,

and 28-43 in the reply filed on 28 February 2005 is acknowledged.  The traversal is on

the ground(s) that first, claims 24-27 of group II are drawn to query processing

(searching), as are the claims of group I, not simply to a database schema or data

structure as the Examiner alleges. Second, the Examiner contends that (i) the claims of

group II are classified in class 707, subclass 100, and (ii) the claims of group III are

classified in class 707, subclass 102. Since subclass 102 falls under subclass 100 in

class 707, the Examiner would have to search both 100 and 102 for the claims of group

III. Finally, even if the Examiner properly grouped the claims, he did not show that the

claims of groups II and III are distinct.

The Examiner disagrees.  This is not found persuasive because Group I contains

independent claims 1, 23, and 28. Independent claims 1 and 28 declare the accepting

and processing of search queries and independent claim 23, declares a search engine.

These claims clearly fall in class 707, subclass 3 drawn to query processing (i.e.,

searching). On the other hand, Group II contains independent claim 24, which defines a

storage facility containing advertisement information including ads and a searchable

data structure including advertiser Web page information. Independent claim 24 clearly

falls in class 707, subclass 100 drawn to database schema or data structure. Group 3

contains independent claims 17 and 44. These claims define the building of a

searchable data structure using the retrieved advertiser Web page information.

Independent claims 17 and 44 clearly fall in class 707, subclass 102 drawn to

generating database or data structure. Finally, the patent application contains diverse

independent claims, which would be classified separately under subclasses 3, 100, and

102 of patent class 707. The diverse nature of these claims would place an undue

burden on the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

2.      This application contains claims 17-22, 24-27, and 44-49 drawn to an

invention nonelected with traverse in the communication filed on 28 February 2005. A

complete reply to the final rejection must include cancellation of nonelected claims or

other appropriate action (37 CFR 1.144) See MPEP § 821.01.

## Claim Rejections - 35 USC § 102

3.      The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office

action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.      Claims 1, 6-8, 10-16, 23, 28, 33-35, and 37-43 are rejected under 35

U.S.C. 102(e) as being anticipated by Guheen et al. (U.S. Patent No. 6,519,591).

5.      Guheen anticipates independent claim 1 by the following:

"...accepting a search query..." at col. 238, lines 60-62.

"...searching a searchable data structure..." at col. 54, lines 66-67, col. 55, lines 1-3,

and col. 30, lines 55-59.

"...including advertiser Web page information..." at col. 189, lines 28-31 and col. 207,

lines 44-45.

"...accepting search results..." at col. 192, lines 43-45 and col. 260, line 6.

"...retrieving at least one advertisement..." at col. 193, lines 65-67, col. 194, lines 1-15,

and col. 189, lines 28-31.

"...using at least a portion of the accepted search results..." at col. 215, lines 40-44, col.

192, lines 43-45, and col. 260, line 6.

6.      As per independent claim 23, the "...query processor...," is taught by

Guheen at col. 79, lines 54-56,

the "...first index including information derived from Web pages of the World Wide

Web...," is taught by Guheen at col. 80, lines 18-21, col. 175, lines 27-36, col. 207, lines

44-55, and 182, lines 12-14,

and the "...second index including information derived exclusively from Web pages of

advertisers...," is taught by Guheen at col. 80, lines 18-21, col. 207, lines 44-55, and

col. 189, lines 28-31.

7.      As per independent claim 28, the "...input for accepting a search query...,"

is taught by Guheen at col. 30, lines 31-32 and col. 238, lines 60-62,

the "...means for searching a searchable data structure...," is taught by Guheen at col.

54, lines 66-67, col. 55, lines 1-3, and col. 30, lines 55-59,

the "...including advertiser Web page information...," is taught by Guheen at col. 189,

lines 28-31 and col. 207, lines 44-45,

the "...to generate search results...," is taught by Guheen at col. 249, lines 64-67, col.

250, lines 1-2, and col. 260, line 6,

the "...means for retrieving at least one advertisement...," is taught by Guheen at col.

193, lines 65-67, col. 194, lines 1-15, and col. 189, lines 28-31,

and the "...using at least a portion of the accepted search results...," is taught by

Guheen at col. 215, lines 40-44, col. 192, lines 43-45, and col. 260, line 6.

8.      As per claims 6 and 33, the "...at least one advertisement is retrieved...,"

is taught by Guheen at col. 189, lines 28-31, col. 193, lines 65-67, and col. 194, lines 1-

15,

the "...from a set of advertiser information...," is taught by Guheen at col. 177, lines 61-

62 and col. 189, lines 28-31,

the "...set of advertiser information...," is taught by Guheen at col. 177, lines 61-62 and

col. 189, lines 28-31,

the "...including information identifying advertiser Web pages...," is taught by Guheen at

col. 31, lines 16-18, col. 177, lines 61-62, and col. 207, lines 44-45,

the "...and wherein the searchable data structure...," is taught by Guheen at col. 54,

lines 66-67, col. 55, lines 1-3, and col. 30, lines 55-59,

the "...including advertiser Web page information...," is taught by Guheen at col. 177,

lines 61-32 and col. 207, lines 44-45,

the "...includes information extracted exclusively...," is taught by Guheen at col. 117,

lines 22-24 and col. 203, lines 26-31,

and the "...from the identified advertiser Web pages...," is taught by Guheen at col. 31,

lines 16-18, col. 177, lines 61-62, and col. 207, lines 44-45.

     9.    As per claims 7 and 34, the "...each of the search results have a score...,"

is taught by Guheen at col. 260, line 6 and col. 221, lines 48-51.

     10.    As per claims 8 and 35, the "...scoring, using at least the search result

scores...," is taught by Guheen at col. 221, lines 48-49 and col. 260, lines 6

and the "...at least some of the retrieved at least one advertisement...," is taught by

Guheen at col. 193, lines 65-67, col. 194, lines 1-15, and col. 189, lines 28-31.

     11.    As per claims 10 and 37, the "...searchable data structure includes

entries...," is taught by Guheen at col. 54, lines 66-67, col. 55, lines 1-3, col. 30, lines

16-18, and col. 195, line 22,

the "...each entry including a term...," is taught by Guheen at col. 195, line 22 and col.

168, lines 7-10,

the "...and one or more Web page identifiers...," is taught by Guheen at col. 207, lines

44-45 and col. 13, lines 16-18,

the "...and wherein the act of retrieving at least one advertisement...," is taught by

Guheen at col. 193, lines 65-67, col. 194, lines 1-15, and col. 189, lines 28-31,

the "...using at least a portion of the accepted search results...," is taught by Guheen at

col. 215, lines 40-44, col. 192, lines 43-45, and col. 260, line 6,

and the "...uses Web page identifiers included in the search results...," is taught by

Guheen at col. 207, lines 44-45, col. 13, lines 16-18, and col. 260, line 6.

12.    As per claims 11 and 38, the "...Web page identifiers...," is taught by

Guheen at col. 207, lines 44-45 and col. 13, lines 16-18

and the "...are used as lookup keys to a database of advertisement information...," is

taught by Guheen at col. 96, lines 41-44, col. 97, lines 15-16, and col. 189, lines 28-31.

13.    As per claims 12 and 39, the "...at least one advertisement is not one of

the accepted search results...," is taught by Guheen at col. 189, lines 28-31, col. 86,

lines 55-56, and col. 206, line 6.

For claims 12 and 39, the term "rejected" is used to suggest the term "not accepted".

14.    As per claims 13 and 40, the "...act of retrieving at least one

advertisement...," is taught by Guheen at col. 193, lines 65-67, col. 194, lines 1-15, and

col. 189, lines 28-31,

the "...is performed without consideration...," is taught by Guheen at col. 227, lines 3-5,

and the "...of expressly entered targeting information.,...," is taught by Guheen at col. 59,

lines 38-40 and col. 11, lines 51-57.

15.    As per claims 14 and 41, the "...act of retrieving at least one

advertisement...," is taught by Guheen at col. 193, lines 65-67, col. 194, lines 1-15, and

col. 189, lines 28-31,

the "...is performed without consideration...," is taught by Guheen at col. 227, lines 3-5,

and the "...of keyword targeting information...," is taught by Guheen at col. 180, lines

33-35 and col. 11, lines 51-57.

16.     As per claims 15 and 42, the "...generating a document...," is taught by

Guheen at col. 284, lines 4-40,

the "...including (1) search results determined using the search query...," is taught by

Guheen at col. 260, line 6 and col. 79, lines 54-56,

the "...and a second searchable data structure...," is taught by Guheen at col. 54, lines

66-67, col. 55, lines 1-3, and col. 30, lines 55-59,

and the "...and (2) the at least one advertisement...," is taught by Guheen at col. 189,

lines 28-31.

17.     As per claims 16 and 43, the "...format of each of the search results...," is

taught by Guheen at col. 177, lines 10-13 and col. 260, line 6

and the "...is different from a format of each of the at least one advertisement...," is

taught by Guheen at col. 70, lines 3-6 and col. 189, lines 28-31.

### Claim Rejections - 35 USC § 103

18.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

19.     Claims 2-5 and 29-32 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Guheen as applied to the claims above, and further in view of Li

(U.S. Patent No. 6,480,843).

As per claims 2 and 29, the "...searchable data structure...," is taught by Guheen

at col. 54, lines 66-67, col. 55, lines 1-3, and col. 30, lines 55-59,

but the "...is an inverted index...," is not taught by Guheen.

However, Li teaches the use of inverted indexes as follows:

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"...The indices are illustrated in FIG. 2.  Note that the table.in
FIG. 2(b) is an inverted index of the table in FIG. 2(a). In
FIG. 2, the indices are shown as tables for ease of
explanation..." at col. 6, lines 30-34.
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It would have been obvious to one of ordinary skill at the time of the invention to combine Li with Guheen to use inverted indexes in order to process queries more rapidly and gain acceptance from potential users. Guheen and Li have similar applications and use similar technologies. They teach the use of computers, the use of databases, the use of networks, the use of documents, the use of indexes, the use of documents, the use of queries, the use of the World Wide Web, the obtaining of search results, and the ranking of search results.  Guheen provides queries, data structures, web pages, and advertisers and Li provides inverted indexes.

20.    As per claims 3 and 30, the "...inverted index includes entries...," is taught by Li at col. 6, lines 30-34 and col. 7, lines 30-35,

the "...each entry including a term...," is taught by Guheen at col. 195, line 22 and col. 168, lines 7-10,

and the "...and one or more Web page identifiers...," is taught by Guheen at col. 207, lines 44-45 and col. 13, lines 16-18.

21.    As per claims 4 and 31, the "...inverted index includes entries...," is taught by Li at col. 6, lines 30-34 and col. 7, lines 30-35,

the "...each entry including a term and one or more pairs...," is taught by Guheen at col. 195, line 22, col. 168, lines 7-10, and col. 182, lines 4-11,

the "...each pair including a Web page identifier...," is taught by Guheen at col. 182,

lines 4-11, col. 207, lines 44-45 and col. 13, lines 16-18,

and the "...and a term count...," is taught by Li at col. 6, lines 65-67 and col. 12, line 13.

22.    As per claims 5 and 31, the "...inverted index includes entries...," is taught

by Li at col. 6, lines 30-34 and col. 7, lines 30-35,

the "...each entry including a term...," is taught by Guheen at col. 195, line 22 and col.

168, lines 7-10,

the "...extracted from advertiser Web pages...," is taught by Guheen at col. 117, lines

22-24, col. 117, lines 61-62, and col. 207, lines 44-45,

the "...and one or more Web page identifiers...," is taught by Guheen at col. 207, lines

44-45 and col. 31, lines 16-18,

the "...that identifier advertiser Web page...," is taught by Guheen at col. 31, lines 16-

18, col. 117, lines 61-35, and col. 207, lines 44-45,

and the "...in which the term appears...," is taught by Guheen at col. 168, lines 7-10.

23.    Claims 9 and 36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Guheen as applied to claims 7 and 34 above respectively, and

further in view of Peckover (U.S. Patent No. 6,119,101).

As per claims 9 and 26, the "...scoring, using at least the search result scores...,"

is taught by Guheen at col. 221, lines 48-51 and col. 260, line 6,

the "...advertiser quality information...," is taught by Guheen at col. 189, lines 37-40 and

col. 191, lines 51-53,

the "...and user information...," is taught by Guheen at col. 192, lines 63-64,

the "...at least some of the retrieved at least one advertisement...," is taught by Guheen

at col. 193, lines 65-67, col. 194, lines 1-15, and col. 189, lines 28-31,

but the "...and further using at least one of ad performance information...,"

and the "...ad price information...," is not taught by Guheen.

However Peckover teaches the use of ad performance information and ad price

information as follows:

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"...The Ad is (during its effective datetime) available to be
matched by consumers' Decision Agents 14 performing decision
searches..." at col. 38, lines 28-30.
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"...A Price component 202 states the price at which the product is
offered (for selling) or requested (for buying). Price 202 may
also be a price range, especially for buy ads...," at col. 27,
lines 13-15.
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It would have been obvious to one of ordinary skill at the time of the invention to

combine Peckover with Guheen to use ad performance information in order to

determine the effectiveness of the ads and provide feedback to potential advertisers.

Likewise, it would have been obvious to one of ordinary skill at the time of the invention

to combine Peckover with Guheen to provide ad price information in order to allow

potential customers to obtain information on the cost of products for sale and gain better

acceptance from potential customers for the use of the system. Guheen and Peckover

have similar applications and use similar technologies. They teach the use of

computers, the use of databases, the use of networks, the use of documents, the use of

indexes, the use of documents, the use of queries, the use of the World Wide Web, the

use of web pages, the use of advertisers, the obtaining of search results, and the

ranking of search results. Guheen provides queries, data structures, web pages, and

advertisers and Peckover provides ad performance information and ad price

information.

### *Conclusion*

24.    Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Harold E. Dodds, Jr. whose telephone number is

(571)-272-4110.  The examiner can normally be reached on Monday - Friday 8:00 -

4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John E. Breene can be reached on (571)-272-4107.  The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Harold E. Dodds, Jr.
Patent Examiner
March 31, 2005

GRETA ROBINSON
PRIMARY EXAMINER